

## SUBCOMMITTEE: ELECTIONS

## SENATE BILL NO. 65

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections

on \_\_\_\_\_)

(Patrons Prior to Substitute--Senators Locke, Deeds [SB 113], and Barker [SB 123])

A BILL to amend and reenact §§ 24.2-643, 24.2-653, 24.2-701, as it is currently effective and as it shall become effective, and 24.2-701.1, as it shall become effective, of the Code of Virginia, relating to voter identification; signed statement in lieu of required form of identification; penalty.

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-643, 24.2-653, 24.2-701, as it is currently effective and as it shall become effective, and 24.2-701.1, as it shall become effective, of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and the voter may give such information orally or in writing. The officer of election shall repeat, in a voice audible to party and candidate representatives present, the full name and address provided by the voter. The officer shall ask the voter to present any one of the following forms of identification: his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; or any valid employee identification card containing

26 a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's  
27 business.

28 ~~Any~~ Except as provided in subsection E, any voter who does not show one of the forms of  
29 identification specified in this subsection shall be allowed to vote after signing a statement, subject to  
30 felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he  
31 claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability to  
32 read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this  
33 statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable  
34 to sign shall be followed when assisting a voter in completing this statement. A voter who does not show  
35 one of the forms of identification specified in this subsection and does not sign this statement shall be  
36 offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide  
37 an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral  
38 board other than matching submitted identification documents from the voter for the electoral board to  
39 make a determination on whether to count the ballot.

40 If the voter presents one of the forms of identification listed above, if his name is found on the  
41 pollbook in a form identical to or substantially similar to the name on the presented form of identification  
42 and the name provided by the voter, if he is qualified to vote in the election, and if no objection is made,  
43 an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from  
44 the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is  
45 in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit  
46 him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and  
47 entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has  
48 voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry  
49 to the voting booths, the line shall not be permitted to extend outside of the room containing the voting  
50 booths and shall remain under observation by the officers of election.

51 A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address provided by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

E. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

**§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.**

79 A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available  
80 or cannot state that the person is registered to vote, then such person shall be allowed to vote by printed  
81 ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643  
82 or 24.2-651.1.

83 Such person shall be given a printed ballot and provide, subject to the penalties for making false  
84 statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the  
85 identifying information required on the envelope, including the last four digits of his social security  
86 number, if any, full name including the maiden or any other prior legal name, date of birth, complete  
87 address, and signature. Such person shall be asked to present one of the forms of identification specified  
88 in subsection B of § 24.2-643. If he is unable to present one of these forms of identification, he shall sign  
89 a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named  
90 registered voter he claims to be. The officers of election shall note on the green envelope whether ~~or not~~  
91 the voter has presented one of the specified forms of identification or signed the required statement in lieu  
92 of presenting one of the specified forms of identification. The officers of election shall enter the  
93 appropriate information for the person in the precinct provisional ballots log in accordance with the  
94 instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor  
95 otherwise mark his name as having voted. The officers of election shall provide an application for  
96 registration to the person offering to vote in the manner provided in this section.

97 The voter shall then, in the presence of an officer of election, but in a secret manner, mark the  
98 printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the  
99 ballot shall then promptly be placed in the ballot container by an officer of election.

100 An officer of election, by a written notice given to the voter, shall ~~(i)~~ inform him that a  
101 determination of his right to vote shall be made by the electoral board, ~~(ii)~~ and advise the voter of the  
102 beginning time and place for the board's meeting and of the voter's right to be present at that meeting, ~~and~~  
103 ~~(iii) inform a.~~ If the voter is voting provisionally when as required by § 24.2-643, an officer of election,  
104 by written notice given to the voter, shall also inform him that he may submit a copy of one of the forms  
105 of identification specified in subsection B of § 24.2-643 or a statement, signed by him subject to felony

penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension as provided in subsection A, the meeting shall stand adjourned, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county

or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643 or the signed statement that the voter is the named registered voter he claims to be, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

159           On completion of its determination, the electoral board shall proceed to count such ballots and  
160 certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671.  
161 No adjustment shall be made to the statement of results for the precinct in which the person offered to  
162 vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have  
163 been entitled to vote shall have his name included on the list of persons who voted that is submitted to the  
164 Department of Elections pursuant to § 24.2-406.

165           The certification of the results of the count together with all ballots and envelopes, whether open  
166 or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit  
167 court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

168           C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any  
169 ballots marked after the normal polling hours by persons who were not already in line at the time the polls  
170 would have closed, notwithstanding the court order, shall be treated as provisional ballots under this  
171 section. The officers of election shall mark the green envelope for each such provisional ballot to indicate  
172 that it was cast after normal polling hours due to the court order, and when preparing the materials to  
173 deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional  
174 ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in  
175 subsection B; however, the counted and uncounted provisional ballots marked after the normal polling  
176 hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook.  
177 The Department of Elections shall provide instructions to the electoral boards for the handling and  
178 counting of such provisional ballots pursuant to this section.

179           **§ 24.2-701. (Effective for elections prior to the general election on November 3, 2020)**  
180 **Application for absentee ballot.**

181           A. The State Board shall furnish each general registrar with a sufficient number of applications for  
182 official absentee ballots. The registrars shall furnish applications to persons requesting them.

183           The State Board shall implement a system that enables eligible persons to request and receive an  
184 absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall  
185 be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections, and on the Saturday immediately preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643, or if he is unable to present one of the specified forms of identification listed in that subsection, he shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. An



applicant who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. After completing an application for an absentee ballot in person, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

266 8. In the case of a person who will be absent on election day for business reasons, the name of his  
267 employer or business; or

268 9. In the case of a person who will be absent on election day for personal business or vacation  
269 reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

270 10. In the case of a person who is unable to go to the polls on the day of election because he is  
271 primarily and personally responsible for the care of an ill or disabled family member who is confined at  
272 home, his relationship to the family member; or

273 11. In the case of a person who is unable to go to the polls on the day of election because of an  
274 obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

275 12. In the case of a person who, in the regular and orderly course of his business, profession, or  
276 occupation, will be at his place of work and commuting to and from his home to his place of work for 11  
277 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or  
278 employer and hours he will be at the workplace and commuting on election day; or

279 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in §  
280 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-  
281 51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

282 14. In the case of a person who has been designated by a political party, independent candidate, or  
283 candidate in a primary election to be a representative of the party or candidate inside a polling place on  
284 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so  
285 designated; or

286 15. In the case of a person who has been granted a protective order issued by or under the authority  
287 of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing  
288 court.

289 **§ 24.2-701. (Effective for elections beginning with the general election on November 3, 2020)**  
290 **Application for absentee ballot.**

291 A. The State Board shall furnish each general registrar with a sufficient number of applications for  
292 official absentee ballots. The registrars shall furnish applications to persons requesting them.

293           The State Board shall implement a system that enables eligible persons to request and receive an  
294 absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall  
295 be in a form approved by the State Board.

296           Except as provided in § 24.2-703, a separate application shall be completed for each election in  
297 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)  
298 12 months before an election or (ii) the day following any election held in the twelfth month prior to the  
299 election in which the applicant is applying to vote.

300           An application that is completed in person at the same time that the applicant registers to vote shall  
301 be held and processed no sooner than the fifth day after the date that the applicant registered to vote;  
302 however, this requirement shall not be applicable to any person who is qualified to vote absentee under  
303 subdivision A 2 of § 24.2-700.

304           Any application received before the ballots are printed shall be held and processed as soon as the  
305 printed ballots for the election are available.

306           For the purposes of this chapter, the general registrar's office shall be open a minimum of eight  
307 hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately  
308 preceding all elections.

309           Unless the applicant is disabled, all applications for absentee ballots shall be signed by the  
310 applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016,  
311 that to the best of his knowledge and belief the facts contained in the application are true and correct and  
312 that he has not and will not vote in the election at any other place in Virginia or in any other state. If the  
313 applicant is unable to sign the application, a person assisting the applicant will note this fact on the  
314 applicant signature line and provide his signature, name, and address.

315           B. Applications for absentee ballots shall be completed in the following manner:

316           1. An application completed in person shall be completed only in the office of the general registrar  
317 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of  
318 identification specified in subsection B of § 24.2-643, or if he is unable to present one of the specified  
319 forms of identification listed in that subsection, he shall sign a statement, subject to felony penalties for

320 making false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. An  
321 applicant who requires assistance in voting by reason of a physical disability or an inability to read or  
322 write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement  
323 in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall  
324 be followed when assisting a voter in completing this statement. Any applicant who does not show one of  
325 the forms of identification specified in subsection B of § 24.2-643 or does not sign this statement shall be  
326 offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide  
327 instructions to the general registrar for the handling and counting of such provisional ballots pursuant to  
328 subsection B of § 24.2-653 and this section.

329 This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52  
330 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a  
331 federal election in the state. After completing an application for an absentee ballot in person, such  
332 individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill,  
333 bank statement, government check, paycheck, or other government document that shows the name and  
334 address of the voter. Such individual who desires to vote in person but who does not show one of the  
335 forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions  
336 of § 24.2-653. The identification requirements of subsection B of § 24.2-643 and subsection A of § 24.2-  
337 653 shall not apply to such voter at such election. The Department of Elections shall provide instructions  
338 to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B  
339 of § 24.2-653 and this section.

340 2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile  
341 device if one is available to the office of the general registrar or the office of the State Board if a device is  
342 not available locally, or other means. The application shall be on a form furnished by the registrar or, if  
343 made under subdivision A 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant  
344 to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months  
345 before an election or (ii) the day following any election held in the twelfth month prior to the election in

which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision A 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

- 372           7. In the case of a person who is confined awaiting trial or for having been convicted of a  
373 misdemeanor, the name of the institution of confinement; or
- 374           8. In the case of a person who will be absent on election day for business reasons, the name of his  
375 employer or business; or
- 376           9. In the case of a person who will be absent on election day for personal business or vacation  
377 reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or
- 378           10. In the case of a person who is unable to go to the polls on the day of election because he is  
379 primarily and personally responsible for the care of an ill or disabled family member who is confined at  
380 home, his relationship to the family member; or
- 381           11. In the case of a person who is unable to go to the polls on the day of election because of an  
382 obligation occasioned by his religion, that he has an obligation occasioned by his religion; or
- 383           12. In the case of a person who, in the regular and orderly course of his business, profession, or  
384 occupation, will be at his place of work and commuting to and from his home to his place of work for 11  
385 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his business or  
386 employer and hours he will be at the workplace and commuting on election day; or
- 387           13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in §  
388 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-  
389 51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or
- 390           14. In the case of a person who has been designated by a political party, independent candidate, or  
391 candidate in a primary election to be a representative of the party or candidate inside a polling place on  
392 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so  
393 designated; or
- 394           15. In the case of a person who has been granted a protective order issued by or under the authority  
395 of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing  
396 court.

397 D. An application shall not be required for any registered voter appearing in person to cast an  
398 absentee ballot during the period beginning on the second Saturday immediately preceding the election in  
399 which he is offering to vote.

400 **§ 24.2-701.1. (Effective for elections beginning with the general election on November 3,**  
401 **2020) Absentee voting in person.**

402 A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall  
403 continue until 5:00 p.m. on the Saturday immediately preceding the election.

404 1. Any registered voter eligible to vote absentee pursuant to subsection A of § 24.2-700 may vote  
405 absentee in person beginning on the forty-fifth day prior to the election in which he is offering to vote and  
406 continuing until the second Friday immediately preceding such election. He shall complete the application  
407 for an absentee ballot required by § 24.2-701, and the general registrar shall process that application in  
408 accordance with the provisions of § 24.2-706.

409 2. Any registered voter may vote absentee in person on or after the second Saturday immediately  
410 preceding the election in which he is offering to vote. He shall provide his name and his residence address  
411 in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of  
412 that county or city, the general registrar shall enroll the voter's name and address on the absentee voter  
413 applicant list maintained pursuant to § 24.2-706.

414 ~~A-Except as provided in subsection G, a registered voter voting by absentee ballot in person shall~~  
415 ~~provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one~~  
416 ~~of the forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after~~  
417 ~~signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the~~  
418 ~~named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical~~  
419 ~~disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be~~  
420 ~~assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649~~  
421 ~~regarding voters who are unable to sign shall be followed when assisting a voter in completing this~~  
422 ~~statement. A voter who does not show one of the forms of identification specified in this subsection or~~  
423 ~~does not sign this statement shall be~~ offered a provisional ballot under the provisions of § 24.2-653. The



424 State Board shall provide instructions to the general registrar for the handling and counting of such  
425 provisional ballots pursuant to subsection B of § 24.2-653 and this section.

426 B. Absentee voting in person shall be available during regular business hours. The electoral board  
427 of each county and city shall provide for absentee voting in person in the office of the general registrar.  
428 For purposes of this chapter, such office shall be open a minimum of eight hours between the hours of  
429 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any  
430 applicant who is in line to cast his ballot when the office of the general registrar or location being used for  
431 in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

432 C. Additional locations in the county or city approved by the electoral boards may be available for  
433 absentee voting in person. Any such location shall be in a public building owned or leased by the county,  
434 city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and  
435 used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Any  
436 such location shall have adequate facilities for the protection of all elections materials produced in the  
437 process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in  
438 use at the location.

439 D. The general registrar may provide for the casting of absentee ballots in person pursuant to this  
440 section on voting systems. The Department shall prescribe the procedures for use of voting systems. The  
441 procedures shall provide for absentee voting in person on voting systems that have been certified and are  
442 currently approved by the State Board. The procedures shall be applicable and uniformly applied by the  
443 Department to all localities using comparable voting systems.

444 E. At least two officers of election shall be present during all hours that absentee voting in person  
445 is available and shall represent the two major political parties, except in the case of a party primary, when  
446 they may represent the party conducting the primary. However, such requirement shall not apply when (i)  
447 voting systems that are being used pursuant to subsection D are located in the office of the general registrar  
448 and (ii) the general registrar or an assistant registrar is present.

449 F. The Department shall include absentee ballots voted in person in its instructions for the  
450 preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

451 G. This subsection shall apply in the case of any individual who is required by subparagraph (b)  
452 of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes  
453 in a federal election in the state. At such election, such individual shall present (i) a current and valid photo  
454 identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other  
455 government document that shows the name and address of the voter. Such individual who desires to vote  
456 in person but who does not show one of the forms of identification specified in this subsection shall be  
457 offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of  
458 subsection B of § 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election.  
459 The Department of Elections shall provide instructions to the electoral boards for the handling and  
460 counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

461 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
462 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
463 **appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be**  
464 **determined for periods of commitment to the custody of the Department of Juvenile Justice.**

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